#### CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS JUNE 5. 1963

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, June 5, 1963. Councilmen Brown, Culbertson, Dow, Ullmann and Katzakian (Mayor) present. None absent.

Also present: City Manager Glaves, Administrative Assistant Carlton, Planning Director Rodgers and City Attorney Mullen. Absent: City Clerk Garibaldi.

Minutes of May 15, 1963 were approved as written and mailed on the motion of Councilman Brown, Ullmann second.

## PUBLIC HEARINGS

REQUEST FOR SUBDIVISION POLICY CHANGE

Mr. Stanley Kirst, 1232 Midvale Avenue, asked the City Council to consider a policy change regarding the year waiting period between the initial oiling and final asphaltic surfacing of subdivision streets. It was his opinion that since the adoption of this policy our street construction procedures had changed sufficiently to make the year waiting period unnecessary. Subdivision streets are now excavated about sixteen inches and the street base is then built up, compacted and shaped to the proper grade. Mr. Kirst asked that the City Council relieve the subdivider of the extra cost involved in the year waiting period requirement. The City Council referred the matter to the Public Works Department for a recommendation.

ANNEXATION OF THE RIVER ADDITION -

.... ORD. NO. 749 INTRODUCED

Notice thereof having been published in accordance with law, Mayor Katzakian opened the hearing on the intention to annex the River Addition. There were no protests to the proposed annexation, either written or oral. The City Manager read the report from the Planning Commission recommending that the property be annexed with R-1 one family residential zoning since it is in a prime location for a good residential development and it is surrounded by R-1 zoning. Construction of the Lakewood School will commence on a ten-acre parcel of the property in June 1963. Most of the balance of the 145-acre annexation is expected to be subdivided. Councilman Culbertson moved the introduction of Ordinance No. 749 annexing the River Addition to the City of Lodi with R-1 zoning. The motion was seconded by Councilman Dow and carried.

N. MAIN ST. TO "M" INDUSTRIAL

1 - 1 .-

ORD. NO. 750 INTRODUCED

REZONING 300 BLK Notice having been published in accordance with law, Mayor Katzakian called for a public hearing on the proposal to rezone nine lots located along the east side of the 300 block of North Main Street between Lawrence Avenue and the alley 250 feet north of Lockeford Street from the R-4 multiple family residential zone to the "M" industrial zone. Mr. Richard Ward, 1208 South Glenhurst, spoke for the rezoning. He stated that the property was surrounded on three sides by "M" industrial zoning. A Mr. Clarence Morris made the request based on his desire to operate a generator repair business in a new home he plans to purchase in the area. He considered applying for a variance but since no hardship was involved rezoning was felt to be the



more acceptable solution. The Planning Commission expanded the proposal from one to nine lots.

Mr. Robert Riggle, 712 N. Cross Street spoke against the rezoning because of its possible effect on residential property that he owns adjacent to the area. He described the surrounding area and observed that eight of the nine lots proposed for rezoning have homes on them. He asked if this rezoning was necessary when there is plenty of vacant industrially zoned land available in the area. Councilman Dow commented that he understood that the original request had been for a home occupation but that it was turned down because it would be a full-time operation. He assumed that the affected residents had been notified and had chosen not to protest the proposed rezoning. He expressed his support for the rezoning as good Councilman Culbertson stated his planning. belief that "M" industrial was the proper zoning for the long run benefit of the area. Mayor Katzakian stated his support for the proposed rezoning. Councilman Brown moved, Culbertson second, to introduce Ordinance No. 750 rezoning Lots 1 to 9, Block 5, Lawrence Homestead Addition #2. from the R-4 to the "M" zone. The motion passed unanimously.

REMPFER APPEAL ON REZONING OF WEST LODI AVE.

R-2 & R-3 TO C-1

Notice thereof having been published in accordance with law, Mayor Katzakian called for a public hearing on the appeal of Mr. William Rempfer from the decision of the City Planning Commission denying his request for the rezoning of the north side of West Lodi Avenue between California Street and Ham Lane from R-2 and R-3 to C-1. The Acting City Clerk noted that letters and petitions signed by some eighty-eight people had been received against the rezoning. No communications were received in favor of the proposal. Mr. Warren Mantz, 205 West Lodi Avenue, concurred with the decision of the City Planning Commission but feels that some adjustment on the north side of Lodi Avenue is necessary. Mr. Elmer Kirst, 221 South Crescent Street commended Planning Director for the preparation of the C-P zone as a buffer between residential and commercial uses. He stated that he was not in favor of C-1 zoning on the north side of Lodi Avenue west of California Street. Mrs. Stanley Laidlaw, 719 Palm Avenue, spoke in favor of the rezoning. She feels that the December 1962 petition in favor of this rezoning outweighed the more recent letters and petitions against the proposal. In her opinion the heavy traffic on Lodi Avenue and the growth of businesses located along the south side of the street require that the north side be zoned for commercial as well. Mr. Vernon Rastetter, 2217 West Lodi Avenue, stated that he was in favor of the proposal because he had clients with property on the north side of ... Lodi Avenue that stands vacent because it can't be used residentially and isn't zoned for commercial uses. Mr. William Rempfer, 115 South Fairmont Avenue, the appellant, asked how his request could be turned down when already 80% of the lots on Lodi Avenue between Cherokee Lane and Ham Lane are either zoned or used for commercial uses.

Mr. Robert Rinn, 820 West Walnut Street, testified that his home was one block from Mr. Rempfer's duplex and that he had no objection to the use of the building as a duplex. He does not approve of

its possible use as a real estate office. Mr. Rinn noted that the area affected by the proposed rezoning is a residential area except for a few mistakes. The commercial strip zoning on the south side of Lodi Avenue was started while the property was still in the County. He argued that Mr. Rempfer's logic based on the inevitability of commercial strip zoning for the north side of Lodi Avenue is fallacious. He acknowledged the traffic problems on the street but feels that rezoning would only aggravate the situation as well as cause more parking problems. Mr. Rinn stated that it was a valuable residential area that needs to be preserved with Lodi Avenue as the buffer between it and commercial development.

Mr. Malen Stroh, 220 South Crescent Street, indicated that he was tired of coming back so frequently to argue the same cause. One new point he wanted to make was that he was skeptical about the request being for a more intense commercial use zone than was turned down previously. He is afraid that it is a move to obtain a compromise that would be unjustly in the applicants favor. Mr. Stroh paraphrased a quotation from William Lloyd Garrison as follows, "We are in earnest, we will not equivocate, we will not compromise, we will not retreat a single inch."

Councilman Dow stated that he feels C-1 is not the proper zoning for the north side of Lodi Avenue. He noted that he had voted for C-P zoning last October. Mr. Dow asked City Attorney Mullen if the one year waiting period between "similar" rezoning requests would apply if the City Planning Commission developed a new transitional or buffer zoning proposal. Mr. Mullen indicated that the question would require research and that he couldn't answer it at this time. Councilman Culbertson felt that the City Council was quite familiar with the pro and con arguments on the question. He referred to a map display behind the Council table that illustrated in color the effectiveness of Lodi Avenue as a buffer between commercial and residential land uses. It was his opinion that we have ample vacant commercially zoned lots in Lodi and even along the south side of Lodi Avenue. He feels that it would be a serious mistake to rezone the area under consideration to C-1 and therefore moved that the appeal be denied. Councilman Brown seconded the motion. Councilman Dow offered a substitute motion to table the question for two months or until a report on a transitional or buffer zone is received from the Planning Commission. Councilman Ullmann seconded and the motion to table failed to carry in a roll call vote as follows:

AYES: DOW, ULLMANN

NOES: BROWN, CULBERTSON, and KATZAKIAN

ABSENT: NONE

Mayor Katzakian stated his views on the ramifications of rezoning the north side of Lodi Avenue commercial at this time. He cited increased

traffic problems, insufficient lot depth and inadequate parking as being problems blocking the
rezoning of this area. He noted that the 400 foot
deep lots on the south side of Lodi Avenue can
develop commercially with a minimum of problems.
Mr. Katzakian explained to Mrs. Laidlaw that
whereas Lighting District petitions or protests
only require a majority of the property to be
assessed to decide the question, a rezoning decision
is governed by different laws and the City Council
has to decide the question in the best interests
of the whole community and not based on any
unofficial petitions. Councilman Culbertson
observed that Pershing Avenue in Stockton is a
heavily traveled major street that has developed
residentially and that this was also possible
along Lodi Avenue.

The question was called and the appeal of Mr. William Rempfer from the decision of the Planning Commission in denying his request to rezone the lots along the north side of Lodi Avenue from R-2 and R-3 to C-1 was denied by a unanimous vote.

REGULATION OF FREEWAY ADVERTISING

An informal public discussion was called for on the question of regulating advertising along the freeway bypass through Lodi. City Manager Glaves reported the background of the proposed ordinance. He indicated a concern over the impending completion of the freeway bypass around Lodi and the possibly desirable effect of some beautification of the entrances to the city. The matter had been investigated through the Division of Highways and a representative of the State Department of Public Works was in attendance to answer questions regarding the different types of planting and the freeway advertising control requirement for urban landscaping. Mr. M. R. Blacow, Landscape Engineer with the State of California, Department of Public Works, explained the Z'Berg Bill (AB 2245) provisions. It would make it unnecessary for the City Council to adopt a billboard ordinance to obtain urban landscaping through Lodi along the freeway bypass. AB 2245 has passed the Assembly but a companion bill was rejected by the Senate. He mentioned two areas where Lodi's proposed ordinance did not meet State standards for the approval of landscaping. One was that in permitting signs within 800 feet of the business advertised it did not specify that it would be an "on premise" sign. They also disapproved of allowing signs advertising "goods sold" on the premises in that it would open it up to national rather than strictly local advertising. Mr. Blacow explained the differences between functional planting and urban landscaping using a series of 14" x 20" color photographs to illustrate his points. Ground cover and fence screening can be justified under functional planting to control weeds, prevent erosion and avoid fire hazards. He explained the meaning of "on premise" signs and their limitations. He indicated that removal of all billboards three years after landscaping is the maximum his department could accept. City Attorney Mullen commented that the case law on billboard removal set five years as a minimum period allowable for amortization and removal of billboards. Mr. Blacow answered various other questions regarding the planting of interchanges

and overcrossing embankments at the entrances to Lodi. He stated that ground cover and tree planting together were not possible under functional planting. Either ground cover or tree boxes set in a paved area covered with red rock chips would be the functional planting treatment of interchange loops. Mr. Blacow stated that the Lodi Freeway Bypass project is within the Public Works Department's 1964-65 Budget, but that the type of planting would depend on whether an acceptable billboard ordinance has been enacted.

Mr. Harvey Bergmen, of the Ryan Outdoor Advertising Company, Stockton, asked why the State Department of Public Works put trees around interchanges when they won't allow billboards within 300 feet of an interchange. Mr. Blacow answered that billboards near an interchange would distract drivers whereas trees tend to delineate obstacles and focus driver attention on turnoffs. Trees are set back 25 feet from travel lanes and 20 feet from interchange ramps. In interchanges and on curves trees are set back further to allow a motorist to stop within the sight distance if necessary.

City Manager Glaves read a letter from the Lodi Garden Club, signed by Mrs. Leonard Mettler, expressing their support for "restricting advertising signs along the freeway so that Lodi may qualify for extensive landscaping." A letter from Landscape Architect Paul Tritenbach of Stockton was also read in support of a strong sign control ordinance. He felt that a beautiful freeway would be of very great importance to local businessmen. Many out of town people picture Lodi, in their minds, as an unusually pleasant city of homes, parks and trees. Landscaping along the freeway is desirable for business reasons as well as reasons of beauty and local pride. Mr. Glaves then read a letter from the California Roadside Council, 12 Garces Drive, San Francisco, in favor of a strong and effective ordinance restricting outdoor advertising adjacent to the Highway 99 Bypass. They indicated that more than 100 California cities now prohibit all outdoor advertising, except on premise signs, adjacent to their freeways. A letter was then read from Mr. Charles J. Welch, Vice-President and General Manager of the Guild Wine Company. He stated that during the past three years his company's plant hospitality facility has been in operation at their Lodi plant it has become a definite asset to the community. During 1962 it attracted over 14,000 visitors. Highway signs adjacent to state highways leading to Lodi are their only means of calling attention to the facility. None of these signs are within the City of Lodi but they have hoped to have one or more directional signs closer to the winery itself. He urged serious consideration of their situation with respect to the promotion of their company interest and the Lodi area through the hospitality facility. Councilman Culbertson asked if such a directional sign would be approved if allowed in our ordinance. Mr. Blacow answered that a sketch of the sign and its wording should be sent to his office for a determination. He noted that the Z'Berg bill does allow for an area where billboards would be permitted to advertise historical sites and points

of interest along freeways. Councilman Dow stated that he favored making a decision for landscaping now but that we do need to consider provisions for advertising such local institutions as General Mills, Lodi Lake Park, the Grape Festival and the Guild Wine Company's hospitality room.

Mr. Dick Wilcox, 1007 South Orange Avenue, stated his company's plan to put a sign on their bulk plant on Lockeford Street advertising a Standard Oil Company gas station north of town. He protested against the proposed ordinance and the involvement of state employees in the promotion of local and state laws.

Mr. Harvey Bergman of the Ryan Outdoor Advertising Company felt the proposed ordinance was prohibitive rather than regulatory. He stated that the City of Lodi has good sign control provisions already in its zoning ordinance and no additional restrictions are necessary. He indicated that the size and setback provisions of the proposed ordinance would be prohibitive. He feels that the people behind the proposed anti-billboard legislation are biased. On the motion of Councilman Brown, Culbertson second, the matter was tabled until the second regular meeting in July in order to obtain answers to some of the questions raised and to observe the fate of the Z'Berg bill.

ORDINANCE REGULATING AMBULANCES PROPOSED The City Council then took up the matter of a proposed ordinance licensing and regulating the use and operation of ambulances upon the public streets of the City of Lodi. City Manager Glaves explained the background of the ordinance; the fact that the State of California licenses ambulance operators; and that this ordinance would, in effect, require any ambulance operation in the City of Lodi to obtain a franchise from the City Council. City Attorney Mullen explained the provisions of the proposed ordinance and the problems that unregulated competition in this field creates. Councilman Culbertson questioned the permissive nature of the fingerprint and photograph requirement for operators and drivers. He felt it should be mandatory or not required at all. Mr. Glaves explained that the State of California has fingerprinted and photographed ambulance operators since they began licensing them in 1961. It was mentioned that the ambulance operator's permit would not replace the regular City business license requirement. The City Council would reserve the right to finally determine and affix, by resolution, the rates to be charged by the operator of the ambulance service. Councilman Dow reported that from his experience as an ambulance attendant that competition between ambulance companies does not benefit the public served. He questioned the zoning problems involved in storing or parking the ambulances in the operator's driveway. City Manager Glaves stated that it involved a borderline home occupation. Having the location of the place or places from which it is intended to operate and where the vehicles are to be stored would help in answering complaints. Several minor revisions ir the proposed ordinance were discussed. After the first reading of the title of the proposed ordinance Councilman Dow moved, Culbertson second,

to set the matter for action at the July 3, 1963 regular meeting under the public hearing section of the agenda. The motion carried.

REVISED ELECTRICAL CODE PROPOSED

The proposal to adopt by reference the 1962 edition of the National Electrical Code was brought to the attention of the City Council. City Manager Glaves read a memorandum from Chief Building Inspector, J. Paul McClure. It reported that Lodi's present Electrical Code was adopted in 1953 and is out of date. The State of California has adopted the 1961 edition of the National Electric Code as part of the State Housing Code. In this latter code, cities and counties are required to have codes "equal to or more restrictive than" the State Housing Code. The adoption of the 1962 edition of the National Electric Code would accomplish this and would also involve a 30% to 50% increase in fees for electrical permits. Mr. McClure noted other basic changes in the proposed 1962 Code. After the first reading of the title of the proposed ordinance, Councilman Dow moved, Culbertson second, to set the matter for a public hearing on July 3, 1963. The motion carried.

BUILDING CODE FEE INCREASE PROPOSED A memorandum from the Chief Building Inspector was read requesting amendment of the Building Code raising building permit fees approximately 10% on smaller dwellings and about 30% on larger dwellings as well as commercial and industrial structures. The City Council already has adopted the 1961 Uniform Building Code by reference but at the time did not change permit fees in effect since 1959. This proposal could raise Lodi's fees in accordance with those suggested in the 1961 edition of the Uniform Building Code. After the first reading of the title of the proposed ordinance, Councilman Dow moved, Culbertson second, to set the matter for action at the July 3, 1963 regular meeting under the public hearing section of the agenda. The motion passed unanimously.

#### PLANNING COMMISSION REPORTS

PETERSON REZONING REQUEST R-1 to R-2

The Planning Commission unanimously recommended approval of the request of Mr. Marvin Peterson, 415 North Pleasant Avenue, for a change of zoning from the R-1 to the R-2 one-family residential zone for one lot located on the southwest corner of South Hutchins Street and York Street. On the motion of Councilman Brown, Ullmann second, the matter was set for public hearing on July 3, 1963.

## COMMUNICATIONS

NORTHRIDGE
ADDITION
ANNEXATION
PETITION

RESOLUTION NO. 2630 ADOPTED A petition was presented from the owner of the 8.8 acre parcel along the west side of Stockton Street between Turner Road and the extension of Pioneer Drive requesting that the property be annexed to the City of Lodi as the Northridge Addition under the provisions of the Annexation of Uninhabited Territory Act of 1939. There are less than twelve registered voters in said territory and the boundaries thereof have been approved by the County Boundary Commission. On the motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2630, a resolution of intention to annex the Northridge Addition to the City of Lodi and setting a public hearing thereon for July 17, 1963.

#### CITY MANAGER'S REPORTS

CLAIMS

Claims in the amount of \$202,749.61 were unanimously approved as submitted on the motion of Councilman Brown, Culbertson second.

AWARD -STREET MATERIALS Only one bid was received for furnishing street materials to the City Public Works Department. The Claude C. Wood Company quoted the following prices on base rock and plant mix materials:

RESOLUTION NO. 2631 ADOPTED 500 tons untreated base rock \$2.10 per ton 1" max. size

300 tons 3/8" plant mixed surfacing type B with SC 800 \$5.50 per ton liquid asphalt binder

1000 tons 1/2" asphalt concrete surfacing type B 85- \$5.50 per ton 100 paving asphalt binder

1500 tons 3/8" asphalt concrete surfacing type B 85-100 paving asphalt binder \$5.75 per ton

Sales tax is to be added to the above prices. Since the bid prices are in line with what the City of Lodi has been paying for similar materials, it was recommended that the award be made to the Claude C. Wood Company. On motion of Councilman Brown, Ullmann second, the Council adopted Resolution No. 2631 awarding the contract for street materials to the Claude C. Wood Company for the above stated unit prices.

ACCEPTANCE OF A SUBDIVISION STREET

RESOLUTION NO. 2632 ADOPTED The City Manager stated that the Public Works Department has reported Fairmont Avenue in the Glenhurst Place, Unit No. 1 Subdivision as being acceptable by the City. The street has been compacted and oiled and a bond has been placed with the City to cover the cost of final surfacing. Curb, gutter, and sidewalk are in place and the street lights have been installed. On the motion of Councilman Culbertson, Ullmann second, the City Council adopted Resolution No. 2632 accepting the above mentioned street for maintenance as a public street.

POPULATION ESTIMATE

A letter was received from the State of California, Department of Finance stating that the estimated population of the City of Lodi on May 1, 1963 was 25,550. This figure has been certified to the State Controller and State Director of Public Works for their use in computations involving State subvention of gasoline taxes and motor vehicle in lieu taxes. It should result in about a \$9,600 increase in Lodi's revenues from these sources. The estimate represents a 1,200 person increase in the thirteen months since the previous population estimate. This is an annual growth rate of 4.5%. The 3,321 person increase since the 1960 Federal Census is a 14.7% addition to the City's population in three years. No Council action on this matter was necessary.

COOPERATIVE PERSONNEL

RESOLUTION NO. 2633 ADOPTED

City Manager Glaves reported that he had received a Cost Service Contract Agreement from the SERVICES CONTRACT Cooperative Tersonnel Services of the State Personnel Board for professional personnel consulting services for an indefinite period. The former annual renewal provision has been replaced by a thirty-day notice prior to termination.or amendment. On the motion of Councilman Dow, Brown second, Resolution No. 2633 was adopted approving the contract and authorizing City Manager Glaves to sign the agreement for personnel consulting services on a cost basis with the State Personnel Board of the State of California. It passed unanimously.

CHAMBER OF COMMERCE GOVERNMEN TAL STUDY

Councilman Dow brought up the matter of the study of Lodi's governmental organization being made by the Chamber of Commerce Civic Affairs Committee. He moved that the City Council go on record as supporting the Civic Affairs Committee study of a change in the organization of Lodi's City Government. The motion died for the lack of a second. Mayor Katzakian commented that although he was opposed to a motion supporting the study of a possible change in Lodi's form of government, he was sure the Council would cooperate with the Chamber in providing any information they request. It was noted that City Manager Glaves had already agreed to meet with the Civic Affairs Committee to discuss the reorganization question.

STADIUM CONTRACT NEGOTTATIONS

City Manager Glaves reported that Recreation Director DeBenedetti's investigation of the Grape Bowl Stadium contracts revealed that the Lodi Union High School contract expires three years hence in 1966, whereas the Galt Union High School contract expires in 1963. Councilman Culbertson indicated that the new contract with Galt should be a three-year contract so that after 1966 both schools would use the Grape Bowl under similar agreements. No action was taken on the report.

ORDINANCES

PEDESTRIAN MALL

CRD. 748 ADOPTED

Ordinance No. 748, entitled "AN ORDINANCE OF THE CITY OF LODI ESTABLISHING A PEDESTRIAN MALL WITHIN THE EAST 160 FEET OF THE ALLEY IN BLOCK 9 AS SHOWN UPON MAP ENTITLED 'MOKELUMNE' (NOW CITY OF LODI)
PURSUANT TO THE PROVISIONS OF STREETS AND HIGHWAYS
CODE SECTION 11100, ET SEQ." having been introduced at the regular meeting of May 15, 1963, was brought up for passage on the motion of Councilman Brown, Culbertson second. Second reading was omitted after reading by title and the ordinance was passed, adopted and ordered to print by the following vote:

AYES - Councilmen - BROWN, CULBERTSON, DOW ULLMANN and KATZAKIAN

NOES - Councilmen - NONE

ABSENT Councilmen - NONE

CITY MANAGER'S REPORTS

SISTER-CITY COMMITTEE APPOINTED

Mayor Katzakian reported that as authorized by the City Council he had appointed ten Lodi citizens to a Sister-City Committee as follows:

Mr. George Creighton
Mr. Walter Katnich
Mr. George Ferrero
Mr. Howard Wheeler
Mrs. Ralph Wetmore
Mrs. Helen Allrich
Mr. Lynn Lunde

After some discussion, Councilman Brown moved, Dow second, to appoint Councilman Culbertson as the City Council representative on this committee. Mayor Katzakian reported that he had asked George Creighton to serve as the temporary chairman of the committee.

NSJWCD MEETING City Manager Glaves mentioned that he had been in touch with Mr. Sorenson of the Northern San Joaquin Water Conservation District regarding the Lodi area's future water supply sources and the South Folsom Canal proposal of the Central Valley Project. He displayed a map of the proposed first stage of the irrigation water distribution system in the district for use of South Folsom Canal water. A joint meeting of the NSJWCD Board of Directors and the Lodi City Council was proposed for July 24 or 31, 1963 to discuss water supply problems in the area. City Manager Glaves will arrange the meeting.

1963-64 BUDGET MEMORANDUM PRESENTED City Manager Glaves brought up the subject of the 1963-64 Budget and indicated that although the Capital Outlay Budget proposals had been included as tentatively approved they were still under study and would be changed before final presentation. This year's carryover or year-end balance will be substantially less than in previous years. Next year's Utility Outlay Budget shows an \$80,000 increase over this year. These two facts will make the 1963-64 Budget very tight if not a deficit budget.

Councilman Dow moved, Culbertson second, to postpone the budget discussion and adjourn the meeting until 8 p.m. Wednesday, June 12, 1963. The motion carried.

Attest: FRANK C. CARLTON

Deputy City Clerk